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**BEFORE
THE PUBLIC SERVICE COMMISSION
OF SOUTH CAROLINA**

Petition for Declaratory Order before)
the Public Service Commission of)
South Carolina by BellSouth)
Telecommunications, Inc. regarding)
Nextel's Service Request)

2002-253-C

SC PUBLIC SERVICE
COMMISSION
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PETITION FOR DECLARATORY ORDER

The North American Numbering Plan Administrator ("NANPA") recently assigned a new NPA/NXX to Nextel Communications, Inc. ("Nextel"), a wireless service provider. Subsequently, Nextel requested that BellSouth Telecommunications, Inc. ("BellSouth") establish trunking with Nextel that would carry traffic associated with that NPA/NXX. The point of interconnection ("POI") between Nextel and BellSouth is located within BellSouth's Charleston exchange, but Nextel has assigned its NPA/NXX to a rate center that is in the Moncks Corner exchange. This Moncks Corner exchange is in the territory of Home Telephone Company ("Home Telephone"), an independent local exchange company.

Pursuant to South Carolina Rule 103-836, BellSouth respectfully requests that the Public Service Commission of South Carolina ("Commission") determine whether, under these circumstances, Nextel's request for trunking violates BellSouth's South Carolina General Subscriber Services Tariff ("Tariff") A35.

I. BELL SOUTH'S TARIFF

When a wireless service provider requests a new NPA/NXX from NANPA, the provider must designate a routing destination for the termination of traffic to that

NPA/NXX, and it must assign the NPA/NXX to a rate center in a manner that is consistent with applicable regulatory requirements. If the wireless service provider wishes to interconnect with BellSouth upon its receipt of a new NPA/NXX, that provider must work with BellSouth to establish the appropriate trunking between itself and BellSouth. *See, e.g.,* Tariff (“Tariff”) A35.1.1.N. In order to establish such trunking, the wireless service provider must submit appropriate information regarding the new NPA/NXX (including the routing destination and the rate center assignment) to BellSouth. *See Id.*

Often, the rate center to which the NPA/NXX is assigned is located in the exchange in which the mobile service provider has established a point of interconnection (“POI”) with BellSouth. Under certain specified circumstances, however, BellSouth’s tariff allows a mobile service provider to assign an NPA/NXX to an exchange that is different than the exchange in which the mobile service provider has established a POI with BellSouth. *See* Tariff A35.1.1.N.6. When an NPA/NXX is assigned in this manner, it is called a virtual designated exchange. *Id.* BellSouth’s tariff provides that:

A virtual designated exchange is *only* allowed when the chosen designated exchange meets the following criteria:

- a. Is a *Company* exchange
- b. Is in the same LATA as the MSP’s point of interconnection
- c. Is billed from the same Regional Accounting Office (RAO) as MSP’s interconnection
- d. Is an exchange name within the NPA’s geographic area
- e. Is in a different local calling area than the exchange where the MSP’s interconnection exists

Id. (emphasis added). The plain language of this tariff clearly states that a virtual designated exchange is allowed only when the chosen exchange is a *Company* (i.e., a BellSouth) exchange.

II. NEXTEL'S REQUEST

Nextel recently applied for and received a new NPA/NXX from NANPA. Although the POI between Nextel and BellSouth is located within BellSouth's Charleston exchange, Nextel assigned its new NPA/NXX to a rate center that is in the Moncks Corner, South Carolina, exchange. As explained above, BellSouth's tariff allows Nextel to establish trunking with BellSouth when Nextel has assigned an NPA/NXX to another *BellSouth* exchange. The Moncks Corner exchange to which Nextel has assigned its NPA/NXX, however, is not a BellSouth exchange. Instead, it is an exchange that is located within the service territory of Home Telephone, an independent local exchange company.

III. ISSUES ARISING FROM NEXTEL'S REQUEST

Although Nextel has assigned its NPA/NXX to an exchange that is not a BellSouth exchange, Nextel nevertheless has requested that BellSouth establish trunking with Nextel that would carry traffic associated with that NPA/NXX. Nextel's request appears to be inconsistent with BellSouth's tariff. Moreover, complying with Nextel's request creates billing issues that include, among other things: (1) the inaccurate rating of calls between landline customers and Nextel wireless customers; and (2) the inaccurate payment and receipt of inter-company compensation among the companies that carry traffic associated with such calls.

The following are just two examples that demonstrate some of the billing issues that arise from Nextel's request. These examples assume that the NPA/NXX of the Nextel wireless customer is the NPA/NXX that Nextel has assigned to the Moncks Corner rate center.

A. A Nextel wireless customer calls a BellSouth end user in Charleston.

When a Nextel wireless customer calls a BellSouth end user in Charleston, the call travels over the wireless network to Nextel's switch in Charleston. From there, the call travels over interconnection facilities between Nextel and BellSouth to the BellSouth tandem switch. From the tandem switch, BellSouth delivers the call to a BellSouth end office in Charleston and then to the BellSouth end user in Charleston.

The systems that BellSouth uses to make inter-company settlements with independent telephone companies will treat this call as originating in Home Telephone territory (because Nextel has assigned the NPA/NXX to a Moncks Corner rate center) and as terminating in BellSouth territory. Accordingly, an inter-company settlement would be made between BellSouth and Home Telephone with regard to this call. Such a settlement is not appropriate, however, because Home Telephone did not carry any part of this call.

That leads to another issue that arises from Nextel's request: it deprives Home Telephone of compensation to which it would be entitled absent Nextel's request. Consider what would happen if, rather than requesting to establish the trunking at issue in this Petition, Nextel had established a point of interconnection with Home Telephone in the Moncks Corner exchange. In that case, Nextel would deliver the call described above to Home Telephone. From there, the call would go to BellSouth's tandem in Charleston and eventually be terminated to BellSouth's end user in Charleston. In that situation,

Home Telephone would be entitled to compensation from Nextel for delivering the call from Home Telephone's territory to BellSouth's network. As explained in the preceding paragraph, however, Home Telephone does not carry any portion of the call under Nextel's request and, therefore, Home Telephone receives no compensation for the call under Nextel's request.¹

B. A Home Telephone landline customer calls a Nextel wireless customer.

When a Home Telephone landline end user in Moncks Corner calls a Nextel wireless customer, the call is delivered through the Home Telephone end office and over inter-company toll trunks to a BellSouth tandem switch. From the BellSouth tandem, the call is delivered over interconnection facilities between BellSouth and Nextel to the Nextel switch in Charleston. Nextel then delivers the call from its switch to the Nextel wireless customer.

From Home Telephone's perspective, this call originates in the Monck's Corner local calling area and it terminates in the Charleston local calling area. Depending on the local calling plan to which the Home Telephone end user subscribes, therefore, Home Telephone could bill its customer a toll charge for such a call. Under the arrangement requested by Nextel, however, and upon information and belief, Home Telephone's

¹ This is not a concern that is merely theoretical in nature. When certain wireless providers established arrangements in Florida that are similar to the Nextel arrangement addressed in this Petition, BellSouth received an e-mail from Sprint, acting in its capacity as an ILEC in Florida, that complained that "BellSouth (ILEC) has allowed four wireless providers to have a Starke Virtual Rate Center (VRC) on their Type 2A interconnection trunks at the Jacksonville Access Tandem. (This is a violation of Sprint and BellSouth tariffs, because it is taking away access revenue from Sprint and also causing Sprint to incur additional expenses on EAS trunks and toll trunks with no additional compensation)." A copy of this e-mail, dated March 8, 2000, is Attachment A to this Petition.

billing systems will treat the call as though it originated in Moncks Corner and terminated in Moncks Corner. Home Telephone, therefore, will charge its end user for a local call even if it otherwise could bill its end user for a toll call.

Moreover, BellSouth has played a part in delivering this call and, therefore, BellSouth is entitled to compensation for having done so. Upon information and belief, however, Home Telephone's systems will treat this call as having originated and terminated in Home Telephone's territory and, therefore, Home Telephone's systems will not recognize that BellSouth played a part in delivering the call. Upon information and belief, therefore, BellSouth will not be compensated for having carried a portion of this call.

IV. THE CONTROVERSY

When Nextel requested BellSouth to establish trunks related to the NPA/NXX that Nextel assigned to the Moncks Corner rate center, BellSouth explained that the request appeared to violate BellSouth's tariff. Nextel, however, argued that BellSouth's refusal to comply with the request would constitute a violation of BellSouth's duty under the federal Telecommunications Act of 1996 to provide interconnection at any technically feasible point. In a good-faith effort to resolve this dispute, BellSouth has elected to comply with Nextel's request pending this Commission's decision on this Petition for Declaratory Order. It is clear, however, that a bona-fide dispute exists and that Commission action is necessary to resolve this dispute.

CONCLUSION AND PRAYER FOR RELIEF

WHEREFORE, for the foregoing reasons, BellSouth respectfully requests that the Commission interpret BellSouth's Tariff A35.1.1 and determine whether the provision of

the trunking associated with the NPA/NXX that Nextel has assigned to the Moncks
Corner rate center is in compliance with that Tariff.

BELLSOUTH TELECOMMUNICATIONS, INC.

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ATTORNEYS FOR BELLSOUTH

ATTACHMENT A

-----Original Message-----

From: Jack.Burge@mail.sprint.com
 [mailto:Jack.Burge@mail.sprint.com]
 Sent: Wednesday, March 08, 2000 2:28 PM
 To: Gene Lunceford
 Cc: joanne.fallis@mail.sprint.com;
 barbara.green@mail.sprint.com;
 stephen.a.harvey@openmail.mail.sprint.com;
 al.lubeck@openmail.mail.sprint.com; paul.milhan@mail.sprint.com;
 scott.stringer@openmail.mail.sprint.com;
 denise.m.vidal@openmail.mail.sprint.com
 Subject: Virtual Rate Center Issue between Sprint and BellSouth
 in Florida

Gene,
 As I discussed with you earlier on the phone, BellSouth (ILEC)
 has
 allowed four wireless providers to have a Starke Virtual Rate
 Center
 (VRC) on their Type 2A interconnection trunks at the
 Jacksonville Access Tandem. Further, BellSouth has allowed one
 CLEC to also have a Starke VRC in the Jacksonville tandem. (This
 is a violation of Sprint and BellSouth tariffs, because it is
 taking away access revenue from Sprint and also causing Sprint
 to incur additional expenses on EAS trunks and toll trunks with
 no additional compensation).
 Sprint discovered this when these translation changes were sent
 via the LERG (Local Exchange Routing Guide) update process.
 The approximate dates of these inappropriate VRC implementations
 were:
 Alltel Mobile- September 1998
 Sprint PCS- April 1999
 Powertel-May 1999
 Delta Com (CLEC) -???
 TSR- March 2000

The BellSouth tariff reference is :
 General Subscriber Service Tariff , A35. Interconnection of
 Mobile
 Services, A35.1.1.R.2.

The four wireless carriers are Sprint PCS, Alltel Mobile,
 Powertel and
 TSR Wireless.

Issues:

Starke has EAS to the ALLTEL (ILEC) exchanges of Waldo and Booker. Waldo and Brooker are in a different LATA than Starke and Jacksonville, therefore ALLTEL does not have any trunk groups that go between Waldo/Booker and Jacksonville. Consequently, land to mobile calls originating from Waldo and Brooker, terminating to one of these Starke VRCs, are routed over the EAS trunks to Sprint's Starke central office. Sprint then routes the calls over the Starke to Jacksonville toll trunk group. BellSouth picks up the calls in Jacksonville and then routes them over the wireless carrier's Type2A interconnection trunks to the wireless carrier's switch.

Action Required by BellSouth:

BellSouth should rescind these VRCs as they are in violation of both Sprint and BellSouth tariffs. Alltel (ILEC) would need to establish trunks between Waldo/Booker and Jacksonville. Sprint would then block these codes from coming across the EAS trunk group between Waldo/Booker and Starke. BellSouth should calculate the lost revenues that Sprint is due for loss access revenue. Let me know if you need additional information??
Thanks
Jack

Starting on December 13, 1999, my new location:

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6480 Sprint Parkway
Overland Park, KS 66251
voice: 913-315-7850
fax: 913-315-0628
jack.burge@mail.sprint.com